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Attorneys for Defendants

CLARK COUNTY; DANNY HORVAT;

STEPHEN DIGIOVANNI; and JEROME STUEVE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SOUTHERN NEVADA FIRE PROTECTION,
INC. dba N F P, a Nevada corporation,

Plaintiff,

vs.

CLARK COUNTY, a political subdivision of the
State of Nevada; DANNY HORVAT, an
Individual; STEPHEN DIGIOVANNI, an
Individual; JEROME STUEVE, an Individual;
DOES I through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case Number:
2:21-cv-01843-JCM-DJA

**STIPULATION AND
ORDER TO EXTEND DISCOVERY
DEADLINES**

(FOURTH REQUEST)

Pursuant to Local Rule IA 6-1, LR 7-1 and LR 26-3, Plaintiff SOUTHERN NEVADA
FIRE PROTECTION dba N F P (“Plaintiff”), by and through its counsel of record, the law firm

of Hayes Wakayama Juan, and Defendants CLARK COUNTY, DANNY HORVAT, STEPHEN DIGIOVANNI and JEROME STUEVE (“Defendants”), by and through their counsel of record, the law firm of OLSON CANNON GORMLEY & STOBERSKI, respectfully submit the following Stipulation and Order to Extend Discovery Deadlines (Fourth Request) for a period of ninety (90) days as follows:

I. DISCOVERY COMPLETED TO DATE

The Parties’ Stipulated Discovery Plan and [Proposed] Scheduling Order (Third Request) [ECF No.30] was submitted on January 18, 2023, and the Court granted [ECF No. 31] on January 19, 2023.

A. PLAINTIFF’S DISCOVERY

1. On January 21, 2022, Plaintiff served its Initial Disclosure of Witnesses and Documents.

2. On February 9, 2022, Plaintiff served its First Set of Interrogatories and First set of Request for Production of Documents each to Clark County, Danny Horvat, Jerome Stueve, and Stephen DiGiovanni.

3. On April 1, 2022, Plaintiff served its Answers to Defendants Clark County and Jerome Stueve’s First Set of Interrogatories and First Set of Request for Production of Documents.

4. On June 23, 2022, Plaintiff served its First Supplemental Response to Clark County’s First Request for Production of Documents and First Supplemental Disclosure of Witnesses and Documents.

5. On November 30, 2022, Plaintiff took the deposition of Lauren Gilbert.

6. On January 4, 2023, Plaintiff served its Second Disclosure of Witnesses and Documents.

7. On January 23, 2023, Plaintiff took the deposition of Danny Horvat.

B. DEFENDANTS’ DISCOVERY

1. On January 20, 2022, Defendants served their Initial Disclosure of Witnesses and Documents.

2. On February 8, 2022, Defendant Clark County served its First Set of Interrogatories and First Set of Request for Production of Documents to Plaintiff, and Defendant Jerome Stueve served his First Set of Interrogatories to Plaintiff.

3. On April 1, 2022, Defendants Clark County, Danny Horvat, Jerome Stueve, and Stephen DiGiovanni each served their responses to Plaintiff's First Set of Interrogatories and First set of Request for Production of Documents.

4. On May 9, 2022, Defendants served their First Supplemental Disclosure of Witnesses and Documents which was lost in the mail, therefore, was hand delivered to Plaintiff's office via runner service on May 17, 2022.

5. On May 11, 2022, Defendants served their Second Supplemental Disclosure of Witnesses and Documents.

6. On August 17, 2022, Defendants served their Third Supplemental Disclosure of Witnesses and Documents.

7. On August 22, 2022, Defendants served their Fourth Supplemental Disclosure of Witnesses and Documents.

8. On September 8, 2022, Defendants served their Fifth Supplemental Disclosure of Witnesses and Documents.

9. On January 27, 2023, Defendants served their Sixth Supplemental Disclosure of Witnesses and Documents.

10. On March 8, 2023, Defendants served their Seventh Supplemental Disclosure of Witnesses and Documents. [Defendants have now disclosed 93,677 pages of documents].

11. On March 10, 2023, Defendants re-noticed the deposition of Chris Huskey for the third time.

12. On March 27, 2023, Defendants noticed the deposition of third-party witness Bobby Tavakoki for June 1, 2023.

13. On April 4, 2023, Defendants re-noticed the deposition of Don Blunt for the sixth time.

II. DISCOVERY REMAINING

1. Depositions of Defendants Steve DiGiovanni and Jerry Stueve.
2. Depositions of Plaintiffs' principal, Don Blunt, and Plaintiffs' agent, Chris Huskey.
3. Deposition of Bobby Tavakoli (from On Guard).
4. Deposition of John Spargo.
5. Additional written discovery, if necessary.
6. Plaintiff's and Defendants' initial expert disclosure and all Parties discourse of rebuttal experts.
7. Additional discovery the parties deem necessary throughout the course of discovery and further litigation.

III. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED

This request for an extension is made by agreement among the parties to complete fact discovery and obtain all necessary records and depositions. The Parties have not be able to adequately complete discovery, including but not limited to deposition of key witnesses before the current discovery cutoff due to Plaintiff's principal officer (Don Blunt) recovering from a serious illness, undergoing surgeries, and having a family emergency in Columbia which caused the deposition of defense witness Steve DiGiovanni being rescheduled seven (7) times and the deposition of Mr. Blunt being rescheduled six (6) times. In addition, the father of plaintiff's lead counsel is undergoing emergency brain surgery within the week and is the primary caregiver. Mr. DiGiovanni also became sick and had to quarantine as well causing his deposition to be rescheduled for this reason as well. The parties have been anxiously engaged in scheduling and taking these key depositions; however, they have experienced these several unexpected obstacles that have interfered with their ability to complete these depositions to date.

The Parties have met and conferred regarding the existing discovery deadlines, and the Parties agree that the existing discovery deadlines should be extended to allow the Parties to complete the investigation of the facts and circumstances in this case.

This Stipulation constitutes the parties' fourth request for an extension and is being entered in good faith and not for purposes of delay.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

The parties propose the following schedule:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED</u>
Close of Discovery	June 29, 2023	September 29, 2023
Final date to file motions to amend pleadings or add parties	April 20, 2023	July 20, 2023
Initial Expert Disclosure	May 4, 2023	August 4, 2023
Rebuttal Expert Disclosure	June 1, 2023	September 1, 2023
Dispositive Motions	August 1, 2023	November 1, 2023
Joint Pretrial Order	August 29, 2023	November 29, 2023

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This request for an extension of time is not sought for any improper purpose or other purpose of delay. The parties have worked together at moving discovery forward and have conducted significant discovery up to this point. The parties respectfully submit that the reasons set forth above constitute good cause for the discovery extension.

IT IS SO STIPULATED.

ORDER

Dated this 7th day of April, 2023

Dated this 7th day of April, 2023

HAYES | WAKAYAMA | JUAN

**OLSON CANNON GORMLEY &
STOBERSKI**

By: /s/ Liane K. Wakayama, Esq.

By: /s/ Thomas D. Dillard, Jr., Esq.

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County; Danny Horvat; Stephen

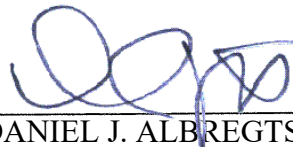
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DiGiovanni; Jerome Stueve

Las Vegas, Nevada 89113

Attorneys for Plaintiff

IT IS SO ORDERED:



DANIEL J. ALBREGTS

UNITED STATES MAGISTRATE JUDGE

DATED: April 10, 2023

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From: Liane K Wakayama <lkw@hwlawnv.com>
Sent: Friday, April 7, 2023 4:25 PM
To: Tom Dillard; Javie-Anne Bauer; Linda Roth
Cc: Jessica Kaufman
Subject: Re: Southern Nevada Fire Protection v. Clark County

Please just change "surgery" to "surgeries." Then, you have permission to affix my e-signature. Thank you.

Liane K. Wakayama, Esq.
Founding Partner
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Sent from my iPhone

From: Tom Dillard <tdillard@ocgas.com>
Sent: Friday, April 7, 2023 4:10:32 PM
To: Javie-Anne Bauer <jbauer@hwlawnv.com>; Linda Roth <lroth@ocgas.com>; Liane K Wakayama <lkw@hwlawnv.com>
Cc: Jessica Kaufman <jkaufman@ocgas.com>
Subject: RE: Southern Nevada Fire Protection v. Clark County

Please see attached revised draft for Liane's review. Thank you.

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From: Javie-Anne Bauer <jbauer@hwlawnv.com>
Sent: Friday, April 7, 2023 3:23 PM
To: Linda Roth <lroth@ocgas.com>; Liane K Wakayama <lkw@hwlawnv.com>
Cc: Tom Dillard <tdillard@ocgas.com>; Jessica Kaufman <jkaufman@ocgas.com>
Subject: RE: Southern Nevada Fire Protection v. Clark County